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In re Application of : DECISION ON  
Lynn McMullen et al :  
Application No.: 10/519,231 :  
International App. No.: PCT/CA03/00986 :  
Int. Filing Date: 27 June 2003 :  
Priority Date: 27 June 2002 : REQUEST UNDER  
Attorney's Docket No.: C66010.1IS :  
For: CONTROLLED SPOILAGE FOOD  
COMPOSITIONS : 37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 07 August 2006.

**BACKGROUND**

In a decision from this Office mailed on 08 June 2006, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d). The assignee, CanBiocin, Inc., had neither a copy of the executed assignment in the file or the reel and frame number so it needed to establish the right to take action under 37 CFR 3.73(b).

On 07 August 2006, applicants filed the current communication, which included, *inter alia*, a copy of the assignment of the patent application to CanBiocin, Inc.

**DISCUSSION**

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), CanBiocin, Inc. has submitted a copy of the assignment showing that it is the assignee of the above application and has establish its right to take action under 37 CFR §3.73(b).

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

**CONCLUSION**

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is 14 March 2006.

  
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